

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION**

Civil Action No. 1:18-cv-00282

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|----------------------------|---|--------------------------|
| NUVASIVE, INC. |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | INJUNCTIVE RELIEF SOUGHT |
| |) | |
| MICHAEL JONES, and KENNETH |) | ORAL ARGUMENT REQUESTED |
| KORMANIS, |) | |
| Defendants, |) | |
| _____ |) | |

NUVASIVE, INC.’S MOTION FOR PRELIMINARY INJUNCTION

By and through its counsel of record, and pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, Plaintiff, NuVasive, Inc. (“NuVasive”), respectfully requests that this Court preliminarily enjoin Defendants, Michael Jones (“Jones”) and Kenneth Kormanis (“Kormanis”), from violating the reasonable non-solicitation and non-competition obligations they owe to it and its exclusive distributor, InoSpine, LLC (“InoSpine”).

In support of this request, NuVasive states that it is likely to succeed on the merits of its claims as Jones and Kormanis violated, and are violating, the terms of their Independent Contractor Agreement and Employment Agreement, respectively, by promoting and/or selling competitive products within their former InoSpine sales territories. Due to Jones’ and Kormanis’ actions, NuVasive has already lost the business of one of its surgeon-customers to a competitor, whose products Jones and Kormanis currently promote and/or sell. If Jones and Kormanis are not enjoined from further violations of their agreements, NuVasive will continue to suffer irreparable harm. The equities tip in NuVasive’s favor as Jones and Kormanis will not be harmed by an order of this Court requiring them to adhere to their contractual obligations.

Finally, issuing the requested preliminary injunction benefits the public interest as it is the public policy of the state of North Carolina to enforce valid restrictive covenants, such as the ones at issue in these proceedings.

In further support of its request for a preliminary injunction, NuVasive relies upon a contemporaneously-filed Memorandum of Law and exhibits thereto. NuVasive respectfully requests leave to present oral argument in support of this motion pursuant to Local Rule 65.1(b).

Respectfully submitted,

/s/ Paul A. Capua

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CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served via the methods indicated below. Parties may access this filing through the Court's electronic filing system. The party or parties served are as follows:

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